IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5052 OF 2005

Jayantilal Babaldas Shah ..Petitioner.

Versus

Shanta Bhuvan Co-op.Hsg.Society Ltd.& Ors. ..Respondents.

Mr. M.P.Vashi with Mrs. D'Souza for the Petitioner.

Mr. M.V. Kini for the Respondent No.1.

CORAM : S. A. BOBDE, J.

DATED : 26TH AUGUST, 2005.

P.C.:

1. Rule, returnable forthwith.

The learned counsel for the respondent No.1 waive service of rule for the respondent.

Heard by consent.

2. The main grievance of the petitioner is that the petitioner ought to have been allowed ownership

and membership in the respondent No.1 Shanta Bhuvan Co-operative Housing Society. Her claim has been rejected on the ground that the petitioner has not fulfilled the basic requirements of submitting the application for membership, related documents including membership fees, and, therefore, is not entitled to become a member of the society.

3. The relationship of the parties is as follows :-

. The petitioner is admittedly the tenant of respondent No.2. It appears that some demands of the respondent No.2 landlord have not been complied with by the petitioner and therefore, the landlord has not made an application for converting the petitioner’s tenancy to a direct membership with the society. The landlord has done so in relation to other tenants and the society has accepted them as members.

4. The learned counsel for the respondent No.1 society states that if the landlord and or the

petitioner makes a fresh application alongwith the prior consent of the landlord in accordance with law for membership and that application complies with the requirements of membership, such application for the petitioner's membership to the society shall be considered on its own merits without being influenced by the earlier order, impugned in this petition.

5. In this view of the matter, there is no reason to interfere. The petition is disposed of in the above terms.

DT.26.08.05 (S.A.BOBDE,J)

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